

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ABINGDON**

**UNITED STATES OF AMERICA**

**v.**

**Case No.: 1:17CR27**

**JOEL A. SMITHERS**

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD**

COMES NOW the undersigned Charles Y. Sipe, Esquire, and the firm of O'Hagan Meyer, PLLC, as counsel of record for Defendant Joel A. Smithers, pursuant to Local Rule 6(i), and for his Motion for Leave to Withdraw as Counsel of Record, states as follows:

1. On or about September 12, 2017, Defendant Joel A. Smithers was indicted by the Grand Jury sitting in the Western District of Virginia, alleging one count of possession with intent to distribute Schedule II substances in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

2. Thereafter, on or about December 18, 2017, a Superseding Indictment was returned, alleging one count of possession with intent to distribute, one count of maintaining a premise for the purpose of unlawfully distributing controlled substances, and seven hundred and fourteen (714) counts of intentional and unlawful distribution and dispensing Schedule II substances without a legitimate medical purpose and beyond the bounds of medical practice.

3. Trial in this matter was originally scheduled for March 19 – 30, 2018, with a jury. However, subsequent to the Superseding Indictment and with the agreement of all parties and the Court, trial was rescheduled for October 29 –

November 22, 2018, with a jury. A pre-trial hearing is set for October 15, 2018, at 10:30 a.m., in Abingdon, Virginia.

4. Changes in the employment status of the Defendant have created a conflict in the ability of counsel to effectively represent the interests of the Defendant through the discovery process – which includes 715 counts and estimated hundreds of thousands of records – and trial.

5. Good cause exists for the withdrawal of the undersigned counsel and withdrawal at this stage in the proceedings will not result in a material adverse effect on the Defendant's interests. Defendant has not waived his right to appointed counsel pursuant to Fed. R. Crim. P. 44(a).

6. The Defendant's regular and electronic mailing addresses are: Joel A. Smithers, 202 Topwater Lane, Greensboro, North Carolina 27455-3433, jasmithers@gmail.com. A copy of this Motion shall be sent to the Defendant at both addresses.

WHEREFORE, for the reasons stated herein and at oral argument of this Motion, the undersigned Charles Y. Sipe, Esquire, and the firm of O'Hagan Meyer, PLLC, as counsel of record for Defendant Joel A. Smithers, respectfully requests that he and they be permitted to withdraw as counsel of record for the Defendant in all aspects of this matter; and for such further relief this Court deems appropriate.

RESPECTFULLY SUBMITTED,

JOEL A. SMITHERS

By Counsel

/s/Charles Y. Sipe  
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*Counsel for Defendant*

**CERTIFICATE**

I hereby certify that on this 26<sup>th</sup> day of March, 2018, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which sent notification of such filing (NEF) to Zach Lee, Esquire, and Randy Ramseyer, Esquire, Assistant U.S. Attorneys; and was forwarded by Joel A. Smithers, 202 Topwater Lane, Greensboro, North Carolina 27455-3422, jasmithers@gmail.com.

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